

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY CONNELL,
Plaintiff,

v.

CAROLYN W. COLVIN,
Defendant.

Case No. [14-cv-02664-MEJ](#)

ORDER RE: STATEMENTS OF FACTS

In addition to the requirements stated in the Procedural Order for Social Security Review Actions (Dkt. No. 6), the parties shall file either a joint statement or separate statements of facts setting forth all relevant medical evidence and written and oral testimony in the Administrative Record. Accordingly, the Court ORDERS the parties to meet and confer within 21 days of service of Defendant's answer for the purpose of determining whether they are able to file a joint statement of facts in the record, or whether it is necessary for the parties to file separate statements of facts.

A. Joint Statement of Facts

If the parties are able to agree on a joint statement of facts, the joint statement shall be signed by both parties and filed by the same deadline as Plaintiff's motion for summary judgment or for remand. Each fact must be set forth in a separately numbered paragraph, preferably in chronological order, and cite to a specific portion of the record where the fact finds support.

B. Separate Statements of Facts

If, after the parties meet and confer, they determine they are unable to file a joint statement of facts, the parties shall comply with the following requirements for separate statements of facts.

1. Plaintiff's Separate Statement of Facts

At the time Plaintiff files the motion for summary judgment or for remand, Plaintiff must also file a statement, separate from the motion and memorandum of law, setting forth each fact from the Administrative Record on which Plaintiff relies in support of the motion, including all relevant medical evidence and written and oral testimony in the record. Each fact in the separate statement must be set forth in a separately numbered paragraph, preferably in chronological order, and must cite to a specific portion of the record where the fact finds support. A failure to submit a separate statement of facts in this form may constitute grounds for the denial of the motion.

2. Defendant's Statement of Facts

At the time Defendant files the cross-motion for summary judgment or for remand, Defendant must also file a statement, separate from the motion and memorandum of law, setting forth: (a) for each paragraph of Plaintiff's separate statement of facts, a correspondingly numbered paragraph indicating whether Defendant disputes the statement of fact as set forth by Plaintiff and, if disputed, a reference to the specific portion of the record supporting Defendant's position; and (b) any additional facts from the Administrative Record on which Defendant relies in support of the motion. Each additional fact must be set forth in a separately numbered paragraph, preferably in chronological order, and must cite to a specific portion of the record where the fact finds support.

3. Reply Statement of Facts

If Defendant sets forth additional facts in the cross-motion, Plaintiff shall file a statement, separate from the reply brief, with correspondingly numbered paragraphs indicating whether Plaintiff disputes the statement of fact as set forth by Defendant and, if disputed, a reference to the specific portion of the record supporting Plaintiff's position.

IT IS SO ORDERED.

Dated: September 22, 2014



MARIA-ELENA JAMES
United States Magistrate Judge